

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTHONY CASIANO,

Plaintiff,

v.

CAPT. THEAGRE, NO. 1851;
CORRECTIONAL OFFICER K. LUTON,
NO. 5144; CORRECTIONAL OFFICER
FOOTS, NO. 5509; CORRECTIONAL
OFFICER M.H. FORM, NO. 4016;
CORRECTIONAL OFFICER RUCKER, NO.
2398; JOHN DOE – CORRECTIONAL
OFFICER, AS YET UNIDENTIFIED; THE
CITY OF NEW YORK; DEPARTMENT OF
CORRECTION,

Defendants.

19 Civ 5226 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

Defendants Theagere and Foots were required to respond to Plaintiff's Amended Complaint on or before April 10, 2020. (Dkt. #71). Defendants Theagere and Foots have yet to respond to the Amended Complaint. On May 5, 2020, Counsel for Defendants City of New York, Luton, and Rucker requested that the Court stay Defendants Theagere's and Foots's obligations to respond to the Amended Complaint *nunc pro tunc*, to allow counsel time to interview these Defendants for potential representation. (Dkt. #95). This application is GRANTED. The Court hereby stays Defendants Theagere's and Foots's obligations to respond to the Amended Complaint *nunc pro tunc* for a period of thirty days.

The Court also notes that Plaintiff's First Amended Complaint lists Correctional Officer M.H. Form, No. 4016, as a Defendant in this matter. (Dkt. #32). On January 10, 2020, the Court requested that Defendant Form waive service of summons. (Dkt. #47). On February 10, 2020, Defendant Form's waiver of service form was returned to the Court unexecuted. (Dkt. #72). The Court understands that the New York City Department of Corrections was unable to identify any individuals matching the name M.H. Form or the number No. 4016, as provided by Plaintiff. During the May 19, 2020 conference, the parties agreed that, once Defendants' counsel can return to her office after the lifting of the current stay-at-home executive order, they would confer to identify all individuals involved in the altercation described in the Amended Complaint. At that time, Plaintiff and Defendants' counsel are directed to attempt to identify the individual Plaintiff attempted to name in listing M.H. Form as a defendant.

SO ORDERED.

Dated: May 20, 2020
New York, New York



KATHERINE POLK FAILLA
United States District Judge

Sent by First Class Mail to:

Anthony Casiano
NYSID: 02010485Z
DIN No. 19A2659
Auburn Correctional Facility
P.O. Box 618
Auburn, NY 13024